



Docket Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

AB-1638-1D US

(Formerly 09375-006004)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on May 1, 2007

Signature _____

Typed or printed name Hugh H. Matsubayashi

Application Number

09/689,305

Filed

10/12/2000

First Named Inventor

Freeman, Gary A.

Art Unit

3764

Examiner

Richman, Glen E.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record. 19,208
Registration number _____

408-392-9252

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

May 1, 2007

Date

Howard R. Popper
Signature

Howard R. Popper

Typed or printed name

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: AB-1638-1D (Formerly 09375-006004)

Application No.: 09/689,305

Inventor: Freeman, Gary a.

Art Unit: 3764

Examiner: Richman, Glen E.

REASONS for PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Examiner had rejected claims 13-17, all of the claims pending in the application, on the basis of Jachimowicz, US 6,096,666 issued 08-01-2000 on an application filed in the US on 04-29-1998.

Specifically, in attempting to read claims 13-17 on the Jachimowicz reference the Examiner had referred to (a) col. 2, lines 18-27; (b) col. 2, lines 48-seq.; and (c) col. 3, lines 3-23. Applicants respectfully submit that the cited portions of the Jachimowicz reference do not anticipate claims 13-17. To demonstrate, applicants' claim 13 is compared side by side to the cited portions of the Jachimowicz disclosure:

Applicants' Claim 13:

A wearable article of clothing, comprising: a flexible strap configured and sized to secure onto a wearer, the flexible strap comprising a non-woven holographic layer covering at least a portion of the strap's or surface.

Jachimowicz, col. 2, lines 18-27:

Briefly stated, provided is a textile fiber that selectively absorbs and reflects different wavelengths of light, using the interference properties of light to accomplish this. A plurality of these textile fibers in combination form a holographic textile fabric. The plurality of textile fibers are characterized as including a central core and a plurality of layers of an optical media overcoating the central core. A plurality of interference patterns are created as a result of an incident light upon the plurality of holographic fibers, that in combination form colors, patterns and images.

ARGUMENT: Based on a comparison of the above, it is apparent that Col. 2, lines 18-27 of the Jachimowicz reference does not disclose any of the

particular limitations explicitly set forth in claim 13, namely: flexible strap,
sized to secure onto a wearer, or non-woven that are clearly enumerated in
claim 13.

Further, a text search of the Jachimowicz reference shows that the
limitations set out above in claim 13 are not to be found anywhere else in
the Jachimowicz reference. Accordingly, applicants request that the
rejection of claim 13 be withdrawn. A comparison of other portions of
Jachimowicz cited by the Examiner, i.e., lines 48-seq.; and (c) col. 3, lines
3-23, yields similar “not found therein” results. Accordingly, the rejection
on the basis of Jachimowicz is without merit.